

EIGHTY-EIGHTH DAY.

SENATE CHAMBER. }
Austin, April 29, 1874. }

Senate met pursuant to adjournment. Roll called; quorum present.

Prayer by the chaplain.

(Senator Ball in the chair.)

Senator Wood presented a petition from citizens of Grimes county, "asking the Legislature not to sustain the articles of address against Judge Jas. R. Burnett, of the Thirtieth Judicial District." Read, and laid over under the rules.

Senator Erath withdrew his motion to reconsider Senate bill No. 152, "An Act to repeal all laws empowering towns, cities and counties to levy taxes for the purpose of making donations to railroads."

On motion of Senator Bradshaw, Senator Swift was excused for the day on account of illness.

The unfinished business being the further consideration of Senate bill No. 376, "An Act to make appropriations for the support of the State Government for the fiscal year, beginning September 1, 1874, and ending August 31, 1875;" pending the following amendment of Senator Hobby in the substitute of the minority of the Committee of the Whole, "strike out salary for agent of German Empire; also, General European agent," it was taken up.

Senator Hobby moved a reconsideration of the vote, adopting the minority report, on yesterday.

Senator Dillard moved a call of the Senate. Call sustained.

Absent--Senator Parker.

The Sergeant-at-arms was dispatched for the absent Senator.

Pending the call, Senator Westfall, chairman Committee on Education, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Education, to whom was referred House bill No. 402, "An Act to amend section nine (9), ten (10), eleven (11), fifteen (15), seventeen (17), twenty

(20), twenty-two (22), and thirty-eight (38) of 'an act to establish and maintain a system of public free schools in the State of Texas,' passed April 30, 1873, have instructed me to report the bill back, and recommend that it do pass.

W. H. WESTFALL, Chairman.

Senator Wood submitted the following report :

The Free Conference Committee on House bill No. 385, entitled "An Act to limit the power of taxation in cities and towns whose population does not exceed fifteen thousand," to consider the amendments proposed by the Senate, and to consider the action of the House in refusing to concur in said amendments, and the action of the Senate in refusing to recede therefrom, have agreed to recommend that the House do concur in the Senate amendments under the following conditions, to-wit :

"Add to section one as follows: *and provided further*, that the provisions of this act shall not apply to the city of Houston, in Harris county, and the city of San Antonio, in Bexar county, in any respect: *and provided further*, that this act shall not prevent the collection of any taxes which have been heretofore levied by any town or city.

W. D. WOOD, Chairman Senate Committee.

J. M. HARRISON, Chairman House Committee.

On motion of Senator Wood, the report was adopted.

Senator Parker having made his appearance, the call was suspended.

The question then was the motion of Senator Hobby, to reconsider the vote adopting the substitute of the minority of the Committee of the Whole.

(The President in the chair.)

Senator Dwyer moved to lay that motion on the table. Lost by the following vote :

YEAS—Senators Ball, Baker, Dwyer, Ellis, Friend, Ireland, Joseph, Ledbetter, Russell and Shepard—11.

NAYS—Senators Allison, Bradshaw, Bradley, Burton, Culberson, Davenport, Dillard, Erath, Hobby, Morris, Moore, Parker, Stirman, Trolinger and Wood—15.

The question then recurring on the motion of Senator Hobby, it was carried by the following vote :

YEAS—Senators Allison, Bradshaw, Bradley, Culberson, Davenport, Dillard, Hobby, Morris, Moore, Parker, Stirman, Trolinger and Wood—13.

NAYS—Senators Ball, Baker, Dwyer, Ellis, Erath, Friend, Ireland, Joseph, Ledbetter, Randle, Russell and Shepard—12.

Senator Bradley then moved to lay the substitute on the table.

YEAS—Senators Allison, Bradshaw, Bradley, Burton, Culberson, Davenport, Dillard, Morris, Moore, Parker, Stirman, Trolinger and Wood—13. So the motion to lay on the table was lost.

NAYS—Senators Ball, Baker, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Randle, Russell, Shepard and Westfall—14.

Senator Dwyer then moved to adopt the resolution. Carried by the following vote:

YEAS—Senators Ball, Baker, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Randle, Russell, Shepard and Westfall—14.

NAYS—Senators Allison, Bradshaw, Bradley, Burton, Culberson, Davenport, Dillard, Morris, Moore, Parker, Stirman, Trolinger, and Wood—13.

Senator Ireland moved to reconsider the vote adopting the substitute, and to lay the motion to reconsider on the table. Lost by the following vote:

YEAS—Senators Allison, Bradshaw, Bradley, Burton, Culberson, Davenport, Dillard, Ireland, Morris, Moore, Parker, Stirman, and Trolinger—13.

NAYS—Senators Ball, Baker, Dwyer, Ellis, Erath, Friend, Hobby, Joseph, Ledbetter, Randle, Russell, Shepard, Westfall and Wood—14.

Senator Ireland then withdrew his motion to reconsider.

Senator Moore offered the following as a substitute for the original appropriation, and also the substitute:

Salary of Superintendent	\$2000
Traveling expenses	750
Postage	500
Wood	100
Printing and distribution of circulars and pamphlets.....	5000

Total.....\$8,350

Lost by the following vote:

YEAS—Senators Allison, Bradshaw, Bradley, Burton, Culberson, Davenport, Dillard, Morris, Moore, Parker, Stirman, Trolinger, and Wood—13.

NAYS—Senators Ball, Baker, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Randle, Russell, Shepard and Westfall—14.

The question then recurred on the adoption of the amendment offered by Senator Hobby, which was as follows:

“Strike out ‘salary for agent of German Empire;’ also ‘General European agent.’”

Senator Allison offered the following as an amendment to the amendment:

“After the word ‘Galveston’ in the substitute offered by the minority of the Committee of the Whole, add the words ‘one agent at Sherman and Denison, \$1500; one at Indianola, \$1500; one at Sabine Pass, \$1500; one at Brownsville, \$1500.’”

Senator Shepard moved to lay the amendment to the amendment on the table.

Senator Dwyer moved a call of the Senate. Call sustained.

Absent—Senators Erath and Russell.

The absent Senators having made their appearance, the call was suspended.

Senator Davenport moved the previous question. Previous question sustained.

The previous question being on the amendment to the amendment, as offered by Senator Allison, it was lost by the following vote:

YEAS—Senators Allison, Ball, Bradley, Burton, Culberson, Davenport, Hobby, Morris, Moore, Stirman and Wood—11.

NAYS—Senators Baker, Bradshaw, Dillard, Dwyer, Ellis, Erath, Friend, Ireland, Joseph, Ledbetter, Parker, Randle, Russell, Shepard, Trolinger and Westfall—16.

The question then recurring on the adoption of the amendment offered by Senator Hobby, it was adopted by the following vote:

YEAS—Senators Allison, Bradshaw, Bradley, Burton, Davenport, Dillard, Erath, Hobby, Morris, Moore, Parker, Stirman, Trolinger and Wood—14.

NAYS—Senators Ball, Baker, Culberson, Dwyer, Ellis, Friend, Ireland, Joseph, Ledbetter, Randle, Russell, Shepard and Westfall—13.

The question then recurred on the adoption of the section as amended.

The section, as amended, was then adopted.

The question then recurred on the adoption of the amendments of the Committee of the Whole.

The two last sections of the bill were stricken out.

The following amendment was adopted :

“Section . . . The appropriation herein made for the support of the public free schools in this State shall take precedence of an appropriation of \$400,000, made for the payment of the teachers of public free schools in this State, for service rendered prior to the first day of July, A. D., 1873, made at this session of the Legislature.

The question then recurring on the engrossment of the bill, it was ordered engrossed by the following vote :

YEAS—Senators Ball, Baker, Burton, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Parker, Randle, Russell, Shepard, Stirman, Trolinger and Westfall—19.

NAYS—Senators Allison, Bradshaw, Bradley, Culberson, Davenport, Morris, Moore and Wood—8.

On motion of Senator Dwyer the rules were suspended, and bill read third time.

Senator Hobby offered the following amendment: For inscription of the names of those who fell at the Alamo, on bronze plates, or other durable material, to be inserted for preservation, in Alamo monument, in the portico of the Capitol, \$200.

Adopted.

Senator Shepard offered the following amendment: Interest on bonds to pensioners under the act of April, 1874, \$20,000. Payment of pensions under the act of April 21, 1874, and after July 1, 1874, \$25,000. Adopted.

Senator Wood offered the following amendment: In Geological Department, in sixth line, strike out “\$2000,” and insert “\$3000.” Adopted.

The question then recurring on the final passage of the bill, it was passed by the following vote :

YEAS—Senators Ball, Baker, Burton, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Randle, Russell, Shepard, Stirman, Trolinger and Westfall—20.

NAYS—Senators Bradshaw, Bradley, Culberson, Davenport, Moore and Wood—6.

Senator Erath, chairman Committee on Private Land Claims, submitted the following report :

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Private Land Claims, have considered Senate Bill, No. 151½, "An Act for the relief of the heirs of James J. George," and instructed me to report it back to the Senate, and recommend that it do pass.

G. B. ERATH, Chairman.

On motion of Senator Ball, the rules were suspended, and Senate Bill No. 334, "An Act to require the Commissioner of the General Land Office, to issue patents of surveys made by virtue of Bounty Land Warrant, No. 831, issued to Henry W. Ward, by Benjamin F. Hill," was taken up, read second time and ordered engrossed. Rules suspended, bill read third time and passed.

By leave, Senator Ireland introduced a bill, entitled "An Act to prevent frauds on the State." Read first time. Rules suspended, and bill read second time.

Senator Friend offered the following amendment: Strike out all after the word "authorized," in line 20, at the end of the bill. Adopted.

Senator Wood offered the following amendment: In section two, line 14, strike out the words, "by this act." Adopted.

Senator Shepard offered the following amendment: Strike out all of section one, line ten, after the word "dollars." Lost.

The bill as amended, was then ordered engrossed.

On motion of Senator Culberson, the rules were suspended, bill read third time and passed.

By leave, Senator Morris called up Senate Bill, No. 344, "An Act to define and regulate *per diem* of mileage of members of the Legislature."

Senator Hobby moved a call of the Senate. Call sustained. Absent - Senators Bradley, Dwyer, Ledbetter, Randle and Russell.

On motion of Senator Ball, the rules were suspended, and Senate Bill, No. 141, "An Act to organize unorganized or disorganized counties within the State of Texas," pending House amendment, was taken up.

On motion of Senator Ball, the House amendment was concurred in.

On motion of Senator Culberson, the rules were suspended and Senate Bill, No. 413, "An Act to annex a part of Harrison county to the county of Marion," was taken up

and read first time. Rules suspended, bill read second time and passed to third reading. Rules further suspended, bill read third time and passed.

On motion of Senator Allison, the rules were suspended and House Bill, No. 525, "An Act to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places," was taken up, and read first time. Rules suspended and bill read second time.

Senator Allison moved to amend by inserting the words "Mantua, Collin county." Adopted.

Senator Allison moved to amend by adding the words "Aurora, in Wise county." Adopted.

Senator Ellis moved to amend, by adding the words "Moulton, in Lavaca county." Adopted.

Senator Morris moved to amend by adding the words "Heffner's Chapel, in Hunt county." Adopted.

Senator Ball offered the following amendment: Amend section one, sixth line, after the word "places," by adding the words "except upon the prescription of a regular practicing physician." Lost.

The bill as amended, then passed to third reading by the following vote:

YEAS—Senators Allison, Ball, Baker, Bradshaw, Bradley, Burton, Culberson, Davenport, Dillard, Ellis, Erath, Hobby, Joseph, Morris, Moore, Parker, Stirman, Trolinger and Westfall—19.

NAYS—Senators Dwyer, Friend, Ireland, Ledbetter, Russell and Joseph—6.

Rules further suspended, bill read third time and passed.

Senator Parker moved to suspend the call of the Senate. Lost.

On motion of Senator Ireland, the rules were suspended, and Senate Bill, No. 366, "An Act to provide for the employment of Attorneys to attend to certain suits instituted in the District Court of Travis county," and also substitute therefor, entitled "An Act to authorize the Governor of the State to employ counsel to attend to certain suits now pending in the District Court of Travis county, and Supreme Court, and to make appropriation to pay said Attorneys," was taken up. The substitute was read first time and adopted. Rules suspended and substitute read second time.

Senator Shepard offered the following amendment: "Provided, that the Governor shall fix the rate of compen-

sation for such services, not to exceed the sum of \$8000. Adopted.

Senator Ball offered the following amendment: Strike out \$8000 in money, and insert "\$8000 in land."

Senator Ellis offered the following as an amendment to the amendment: "And that said Attorneys be required to settle on said land."

The question then recurring on the adoption of the amendment offered by Senator Ball, it was lost. Rules further suspended, bill read third time and lost, by the following vote:

YEAS—Senators Baker, Bradshaw, Dwyer, Ellis, Friend, Ireland, Joseph, Ledbetter, Shepard, Westfall and Wood—11.

NAYS—Senators Allison, Ball, Bradley, Burton, Culbertson, Davenport, Dillard, Erath, Hobby, Morris, Moore, Parker, Russell, Stirman and Trolinger—15.

Senator Shepard, for Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills, beg leave to report that they have carefully examined and compared Senate Bill, No. 429, "An Act to regulate the manner of proceeding in the Supreme Court upon motions for rehearing;" also, Senate Bill, No. 209, "An Act to amend Sections six of 'an act to regulate the estraying of stock in the State of Texas:'" also, Senate Bill, No. 428, "An Act to amend Section 44 of 'an act to encourage stock raising and for the protection of stock raisers,' approved March 23, 1873;" also, Senate Bill, No. 418, "An Act for the relief of certain persons in this State, from all penalties, forfeitures and costs incurred by reason of failure to pay certain taxes heretofore levied for the support of public schools;" and find them correctly engrossed.

SHEPARD, for Committee.

Senator Hobby, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills, ask leave to report that they have examined and find correctly enrolled, Senate Joint Resolution, No. 331, "authorizing the late State Printer to deliver two thousand copies of the General Laws

of the Thirteenth Legislature, printed in the German language, to the Secretary of State." Senate Joint Resolution, No. 427, "granting leave of absence from the State to the Hon. D. D. Claiborne, Judge of the seventeenth Judicial District." Senate Bill, No. 430, "An Act supplemental and amendatory of an act entitled an act to incorporate the Texas and Midland, Gulf and New Orleans Railway, and to aid in the construction of the same, passed at the present session of the Legislature." Senate Bill No. 288, "An Act to legalize the unconditional certificate of three hundred and twenty (320) acres of land issued to Josiah Powers; and Senate Bill, No. 405, entitled an act prescribing the times of holding the District Court in the Twenty-ninth Judicial District, and repealing all other acts in conflict with this act," and have this day at 10:20 A. M., presented the same to the Governor, for his approval.

Hobby, Chairman.

A message from the House was received announcing the passage of the following bills: House Bill, No. 413, "An Act to annex a part of Harrison county to the county of Marion." House Bill, No. 455, "An Act to establish a Bureau of Statistics and History of the State of Texas." Also, that the House had adopted report of Conference Committee on House Bill, No. 385, "To limit the power of taxation in cities and towns."

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills, beg leave to report that they have carefully examined and compared the following Senate bills, to-wit: No. 105, "An Act to amend an act entitled An Act to incorporate the Austin and Pacific Short Line Railroad Company," passed May 30, 1873, and No. 127, "An Act to improve the navigation of the Sabine, Neches, and Angelina rivers and Pine Island bayou in the State of Texas," and find the same correctly enrolled, and we have this day at 12:30 o'clock M., presented the said bills to his Excellency the Governor, for his signature and approval, April 29, 1874.

JOSEPH E. DWYER, for Committee.

On motion of Senator Culberson, the Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment. Roll called; quorum present.

A message was received from the Governor.

On motion of Senator Parker, the message was taken up and read.

The message was as follows:

EXECUTIVE OFFICE, STATE OF TEXAS,
Austin, April 29, 1874.

To the Honorable Senate of the State of Texas:

GENTLEMEN—I respectfully return without my approval Senate joint resolution No. 391, “To annex the parishes of Caddo and DeSoto, in the State of Louisiana, to the State of Texas.” This bill, having originated in the Senate, I briefly present to your honorable body my objections to it.

The aggregate population of Caddo and DeSoto parishes constitute, according to the census of 1870, about one-twentieth of the entire population of Louisiana. Not having the means of ascertaining what proportion the taxable property of those two parishes bears to the entire wealth of the State of Louisiana, I will assume that their proportion of taxable property is the same as their proportion of population—say one-twentieth.

The public or State debt of Louisiana is variously stated at from twenty-five to forty millions of dollars. The *pro rata*, then, of that debt, to be paid by these two parishes, will be one-twentieth of that amount—say one and a half or two millions of dollars.

The second section of this bill pledges the State of Texas to “make the said parishes pay their *pro rata* share of the State debt of Louisiana existing at the date of the cession.” If the power existed, without controversy, in the State government of Texas to make this pledge for the people of Texas, the magnitude of the debt, for the size and population of the territory to be acquired, is sufficient ground for hesitation and deliberation and a careful survey of consequences before making it.

It is still more important that we consider well what we do in this regard, when we take into the estimate the great doubt which exists of the power of the Legislature to do that which it pledges Texas to do. It is true that the two provisos at the end of the second section of this bill dis-

timely announce that Texas shall in no event be responsible for that debt of these two parishes; yet, if the proposition involved in this bill is accepted by Louisiana, it will surely be done on the faith that this government has the right to make and the power to redeem that pledge; and would not the honor of Texas if it were so accepted demand its performance? The State of Louisiana has a right to believe that the government of Texas knows its powers, and if that government pledges that Texas will make Caddo and De Soto parishes pay their *quota* of the debt of Louisiana will have a right to demand that Texas shall do it, if she fails to make these parishes do it after their annexation.

Does the Government of Texas possess the constitutional right to make, and the power to redeem this pledge?

Section nineteen, of Article twelve, of the Constitution, declares that "Taxation shall be equal and uniform throughout the State." Now, whenever the cession contemplated by this bill is perfected, and the constitution and laws of Texas are extended over the territory embraced in Caddo and De Soto parishes, and that territory becomes part and parcel of Texas, can a tax be constitutionally levied and collected in those two parishes, unless the same tax is at the same time equally and uniformly collected in all the other counties of Texas? Or, to put the question in another shape, suppose the proportion of the debt to be paid by Caddo and De Soto parishes is ascertained, and before the cession the bonds of these parishes are executed and delivered to the State of Louisiana, to secure its payment, and they come into Texas, with this municipal debt hanging over them, the Government of Texas can authorize the county or parish authorities to levy and collect a tax, to meet it; but, suppose these authorities fail, or refuse to levy and collect the tax, can the Legislature compel them to do it? If the Legislature has in one case no power to levy and collect the tax, and in the other no power to compel the parish authorities to do it, how can they "make the said parishes pay their *pro rata* share of the State debt of Louisiana, existing at the date of the cession?" I do not wish to be understood to say, that the Legislature of Texas would not have the power in either case to enforce collection of a tax to meet the debt in question. I am not prepared to go so far upon the limited investigation, I have found time to give the question, but I do say, that the

power of the Legislature, in either case, is extremely questionable, and involved in the greatest doubt. High legal authorities may be found on both sides of the question. The pledge is direct, certain and unambiguous; the power to perform is extremely doubtful, and to the extent of this doubt, the State of Texas would, if the proposition contained in this bill were accepted, in my judgment, become bound to the State of Louisiana for that portion of her public debt, which should be paid by Caddo and De Soto parishes.

I do not believe that your honorable body contemplated when passing this bill, any such contingency, as an engagement of Texas in any event, in an obligation to pay any portion of the public debt of Louisiana.

Another consideration occurs to me as one which should have much force with us, in considering the objects of this bill. The State Government of Louisiana is believed almost universally to have been forced upon the people of that State, against their will, and without their consent.

That people, for years past, have maintained an heroic, but most unequal struggle for the right of self government, and so far without success. They have been, and are now, dominated by rulers not of their choice, and by taxation amounting to confiscation, have been reduced from opulence to bankruptcy. Shall Texas, by treating for the cession of this territory, acknowledge the legitimacy of the present State Government of Louisiana, and when the people of that State have no voice, and can give no consent, and can make no protest, receive one-twentieth of her population and a large portion of her territory? The blood and bones of the men of Texas and Louisiana are mingled on a hundred battle fields, where, in common cause, they stood side by side and shoulder to shoulder, and died like heroes together. Shall we, forgetful of the sacred ties of the past, and the glorious history of Louisiana, and of her magnificent men and noble women, now that bondage, and flood, and famine are upon them, join hands with their oppressors and help to despoil them? I know that your honorable body feel as I do, and will answer this question as I would. I can appreciate the ties of neighborship, of blood and kindred, and commerce, which bind the people of the Eastern border of Texas to those in the territory proposed to be annexed, but suggest that it were better to wait before acting on this subject, until a government, acknow-

ledged by the people of Louisiana to be legitimate, and which can truly represent them, is in existence, before prosecuting it further. I believe it to be an act of simple justice to the people of Louisiana to do this. Texas, who so jealously guards and asserts the rights of the States, should not be a party to the blow which will be stricken the State right doctrine, whenever the existing State government of Louisiana shall be acknowledged rightful and constitutional. In this day of political unsettlement and disquietude I regard the constitutional guarantees of the right of self government to the States, as the sheet anchor of American liberty, and the attack upon that right in the State of Louisiana, in the overthrow of the chosen government of her people, and the erection of another in its stead against their consent and protest, as the most dangerous assault ever made upon it, and believe that you will agree with me in saying, that Texas should take no action, which, by any construction can be held an endorsement of it.

Believing this joint resolution to have been improvidently passed, I respectfully ask its reconsideration.

Very Respectfully,

RICHARD COKE.

Senator Dillard moved to refer the veto message to a special committee.

Senator Culberson moved to refer it to the Judiciary Committee. Carried.

The Seventh District was called, and Senator Culberson called up House bill No. 400, "An Act to incorporate the Lake City Railway Company, and to aid in the construction of said railway." Bill read first time. Rules suspended, bill read second time. Rules suspended, bill read third time, and passed by the following vote:

YEAS—Senators Ball, Baker, Burton, Culberson, Davenport, Dillard, Dwyer, Ellis, Friend, Ireland, Joseph, Moore, Parker, Randle, Russell, Stirman, Westfall and Wood—20.

NAYS—Senators Allison, Bradshaw and Trolinger—3.

The Eighth District was called, and Senator Parker asked leave to call up a general bill, to-wit: "Senate bill No. 344, 'An Act to define and regulate *per diem* of mileage of members of the Legislature.'"

The Senate refused to grant leave.

The Ninth District was called, and Senator Bradley did not call up any bill.

The Tenth District was called, and Senator Morris asked that the rules be suspended, so he could call up a general bill, to-wit: House bill No. 224, "An Act to regulate Fire and Marine Insurance Companies."

The Senate refused to suspend the rules.

The Eleventh District was called, and Senator Moore asked that the rules be suspended, to call up a general bill.

The Senate refused to suspend the rules.

The Twelfth District was called, but Senator Joseph did not call up any bill.

The Thirteenth District was called, and Senator Burton asked that the rules be suspended, to take up a general bill.

The Senate refused to suspend the rules.

The Fourteenth District was called, and Senator Baker called up Senate bill No. 151½, "An Act for the relief of the heirs of James J. George." Bill read second time, and ordered engrossed.

Rules suspended, bill read third time, and passed.

Senator Bradshaw submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Lands, to whom was referred House bill No. 305, "An Act to define the land districts of Brown and San Saba," having carefully examined the same, report it back with the recommendation that it do pass.

A. BRADSHAW, Chairman.

The Fifteenth District was called, and Senator Randle called up Senate bill No. 305, "An Act to define the land districts of Brown and San Saba." Bill read first time; rules suspended, bill read second time and ordered engrossed; rules further suspended, bill read third time and passed.

The Sixteenth District was called, and Senator Shepard asked a suspension of the rules to take up a general bill.

The Senate refused to suspend the rules.

The Seventeenth District was called, and Senator Davenport called up House bill No. 522, "An Act to authorize and require the Secretary of State to distribute books and documents." Bill read first time; rules suspended, bill read second time.

Senator Dillard offered the following amendment:

"In section two, line four, after the word 'treatise,' add the words 'or any of the general or special laws not

heretofore received by the county, or, having been received, are lost or destroyed." " Adopted.

The bill as amended was then ordered engrossed ; rules suspended, bill read third time and passed.

The Eighteenth District was called, and Senator Wood called up Senate bill No. 145, "An Act to require the issuance of land certificates to certain parties therein named." Bill read second time. :

Senator Wood offered the following amendment :

"Add to end of the first section the following words : 'to the heirs or assigns of H. Griffith, a certificate for one thousand acres of land ; a certificate of three hundred and twenty acres of land to James H. Bostick, his heirs or assigns.' " Adopted.

Senator Ellis offered the following amendment :

"Amend by adding the following words : 'to the heirs of Silas Dinsmore, deceased, twelve hundred and forty acres.' " Adopted.

Senator Hobby offered the following amendment :

"Add the words 'an unconditional certificate to the assignee of Elijah Lowe of three hundred and twenty acres.' "

Senator Ball offered the following amendment :

"Insert the words 'to the heirs of Benjamin Franklin, deceased, an unconditional certificate of twelve hundred and eighty acres.' " Adopted.

Senator Friend offered the following amendment :

"Add the words 'to G. W. Brooks, six hundred and forty acres ; to K. B. White, three hundred and twenty acres.' " Adopted.

Senator Bradley offered the following amendment :

"Add the words 'to Samuel G. Wells, an unconditional certificate for twelve hundred and eighty acres.' " Adopted.

Senator Bradshaw offered the following amendment :

"Add 'six hundred and forty acres to J. J. Beeman.' " Adopted.

Senator Shepard offered the following amendment :

Add the words, "a certificate for one league of land to heirs of Sylvester W. Bowen."

Adopted.

Senator Dillard offered the following amendment :

Add the words "to the heirs and assigns of John T. Lories, one league and one labor. To the heirs and assigns of Reuben McKenzie, one league. Adopted.

The bill, as amended, was then ordered engrossed. Rules suspended, bill read third time and passed, by the following vote:

YEAS—Senators Ball, Baker, Bradley, Dillard, Dwyer, Ellis, Erath, Friend, Hobby, Ireland, Joseph, Ledbetter, Parker, Russell, Shepard and Wood—16.

NAYS—Senators Allison, Bradshaw, Culberson, Davenport, Morris, Moore, Stirman, Trolinger and Westfall—9.

A message received from the House announcing the passage of the following bills to-wit:

Senate Bill, No. 324, "An Act to attach the county of La Salle to Nueces Land District."

House Bill, No. 517, "An Act to incorporate the Orange and Bolivar Point Railroad Company and aid in the construction of the same."

House Bill, No. 502, "An Act to amend an act to adopt and establish a Penal Code for the State of Texas," approved August 26th, A. D. 1856.

Also that the House concurs in amendments by the Senate to House Bill, No. 525, "to prohibit the sale of intoxicating or spirituous liquors within two miles of certain places."

The Nineteenth District was called, and Senator Erath called up Senate Bill, No. 207, "An Act for disposing of certain lands belonging to Texas, known as the 'Indian Reservation.'"

Bill read second time and ordered engrossed. Rules suspended, bill read third time and passed.

The Twentieth District was called, but Senator Bradshaw did not call up any bill.

The Twenty-first District was called, and Senator Allison called up Senate Bill, No. 225, "An Act to regulate the redemption of real estate sold for taxes or by virtue of executions."

Bill read second time.

The report of the Committee reporting on said bill, that it do not pass, was adopted, and the bill was therefore lost.

The Twenty-second District was called and Senator Trolinger called up Senate Bill, No. 242, "An Act to provide for the removal from office, of District Attorneys, Sheriffs, District Clerks and other officers, and for filling vacancies in such offices," and also substitute therefor, entitled "An Act to provide for the removal from office of District Attorneys, Sheriffs, District Clerks and other officers, and

for filling vacancies in such offices." Substitute read first time and adopted. Rules suspended, and substitute read second time.

Senator Wood offered the following amendment as an additional section :

Section . . This act shall not be considered to repeal any existing law now in force, relative to the subject matter of this act, but shall be held to be cumulative." Adopted.

Senator Burton offered the following amendment :

Strike out the word "Governor" wherever it occurs and insert the words "District Judge." Lost.

The substitute, as amended, was ordered engrossed. The rules were suspended, bill read third time and passed.

Senator Moore gave notice that he would move to reconsider Senate Bill, No. 366, "An Act to provide for the employment of attorneys to attend to certain suits, instituted in the District Court of Travis county."

The Twenty-third District was called, and Senator Ball asked a suspension of the rules to take up a general bill. Rules suspended.

Senator Ball then called up House Joint Resolution, No. 286, "relating to those who lost limbs during the late civil war, being residents of Texas."

Joint Resolution read first time. Rules suspended and Joint Resolution read second time and passed to third reading.

On motion of Senator Bradley, the Senate adjourned.

EIGHTY-NINTH DAY.

SENATE CHAMBER, }
Austin, April 30, 1874. }

Senate met pursuant to adjournment.

Roll called ; quorum present.

Prayer by the chaplain.

The reading of the journal of yesterday was dispensed with.

On motion of Senator Westfall, the door-keeper was excused for the day.

On motion of Senator Bradley, Senator Wood was excused for the day.